

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
MACON DIVISION

JAMES COVERSON,

Plaintiff

VS.

MR. FAGAN, *et al.*,

Defendants

NO. 5:06-CV-424 (CAR)

PROCEEDINGS UNDER 42 U.S.C. §1983  
BEFORE THE U. S. MAGISTRATE JUDGE

**ORDER**

Plaintiff JAMES COVERSON herein has requested this court to provide legal representation for him in the above-captioned proceeding. Tab #6. Plaintiff's request is premature. Until a response has been filed on behalf of the defendants and the court has a chance to review that response, the circumstances of this case cannot be properly evaluated.

Generally speaking, no right to counsel exists in §1983 actions. *Wahl v. McIver*, 773 F.2d 1169, 1174 (11<sup>th</sup> Cir. 1985); *Hardwick v. Ault*, 517 F.2d 295, 298 (5<sup>th</sup> Cir. 1975); *Meckdeci v. Merrell National Laboratories*, 711 F.2d 1510, 1522 n. 19 (11<sup>th</sup> Cir. 1983). It is a privilege that is only justified by exceptional circumstances. *Fowler v. Jones*, 899 F.2d 1088, 1096 (11<sup>th</sup> Cir. 1990). Therefore, after receiving the response(s), the court on its own motion will consider assisting plaintiff in securing legal counsel if and when it becomes apparent that legal assistance is required to avoid prejudice to his rights.

Accordingly, plaintiff's motion for appointment of legal counsel (Tab #6) is **DENIED**.

SO ORDERED, this 19<sup>th</sup> day of JANUARY, 2007.



A handwritten signature in blue ink, reading "Claude W. Hicks, Jr.".

CLAUDE W. HICKS, JR.  
UNITED STATES MAGISTRATE JUDGE